

Greensfelder, Hemker & Gale, P.C. 2000 Equitable Building 10 South Broadway St. Louis, MO 63102

12 Wolf Creek Drive Suite 100 Belleville (Swansea), IL 62226

EPA Region 5 Records Ctr.

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CHRISTINA L. ARCHER
DIRECT DIAL: (314) 516-2606
DIRECT FAX: (314) 345-4792
E-Mail: Cla@greensfelder.com

July 1, 2005

Thomas Turner

Thomas Turner
Associate Regional Counsel
U.S. EPA, Region 5
Office of Regional Counsel (C-14J)
77 West Jackson Blvd.
Chicago, IL 60604

Re: Allied Healthcare Products, Inc.

RRG/Clayton Chemical Superfund Site

Dear Mr. Turner:

Thank you for speaking to me yesterday regarding the RRG/Clayton Chemical Superfund Site (Site). It is my understanding that several of the potentially responsible parties (PRPs) have formed a negotiating committee to implement a work plan and enter into an Administrative Settlement Agreement and Order on Consent (AOC) with the U.S. EPA for the soil removal at the Site. The negotiating PRPs are requesting an initial contribution to fund the activities related to the AOC by July 15, 2005 and have indicated that U.S. EPA would be issuing unilateral consent orders to those parties who do not participate in the PRP group.

In light of these new developments regarding the Site, I called you to discuss U.S. EPA's reaction to my March 30, 2005 correspondence delineating Allied Healthcare Products, Inc's (Allied) position that it should have not been sent the November 22, 2004 General Notice of Potential Liability letter. You indicated that you did not have a copy of my letter in your files, but would have your contractor review any information submitted. You also indicated that U.S. EPA used "The RRG/Clayton Liquid Removal, Investigation Report" which was derived from Illinois Environmental Protection Agency records to determine which PRPs received the General Notice letter.

The Liquids Removal PRPs also made a CD available to the Soil PRPs with Clayton Chemical Annual Reports. I have reviewed all documentation provided, as well as Allied's internal records, and can only account for 8,380 gallons shipped to the Site. Because the General Notice cut-off was 75,000 gallons, it was my position that Allied should not be included as a PRP for the Site. I am enclosing another copy of my March 30 correspondence, which has copies of all documentation known to date about Allied's involvement at the Site.





Once you and/or your contractor have had a chance to review, please do not hesitate to contact me at 314-516-2606 or Al Henneboehle at 314-516-2601 if you have any questions. Thank you for your time and attention regarding this matter.

Sincerely,

GREENSFELDER, HEMKER & GALE, P.C.

Ву

Christina L. Archer

Enclosures

cc: Al Henneboehle

Eldon Rosentrater Sharon Newton



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March 30, 2005

Tom Turner
Associate Regional Counsel
U.S. EPA, Region 5
Office of Regional Counsel (C-14J)
77 West Jackson Blvd.
Chicago, IL 60604

Re: Allied Healthcare Products, Inc.

RRG/Clayton Chemical Superfund Site

Dear Mr. Turner:

This letter sets forth Allied Healthcare Products, Inc.'s ("Allied") position regarding its status as a Potentially Responsible Party ("PRP") for the soil removal at the RRG/Clayton Chemical Superfund Site in Sauget, Illinois ("Site"). By way of background, Allied received the November 22, 2004 General Notice of Potential Liability letter related to the Site. Allied responded to U.S. EPA on January 28, 2005 as part of a preliminary PRP Group member indicating its willingness to investigate the issues contained in th General Notice letter. Allied has now reviewed all known information, and believes it should not be included PRP for the soil removal at the Site.

We understand that U.S. EPA relied upon "The RRG/Clayton Liquid Removal, Investigation Report" ("Report") to determine which PRPs received the General Notice letter. U.S. EPA based the cutoff for receipt of the General Notice letter at 75,000 gallons.

According to the Report, Allied shipped 83,614 gallons to the Site from 1980 to 1983. There is no indication from the Report that Allied shipped anything to the Site from 1984 through 1998. The breakdown is as follows:

Year	Amount Shipped (gallons)
1980	43,764
1981	35,170
1982	4,330
1983	350



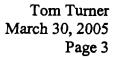
It is our understanding that the PRPs performing the liquid removal at the Site scanned Clayton Chemical's annual reports of waste received by the facility from 1979 through 1998 and used this information in support of the conclusions contained in the Report. Allied has reviewed all of that documentation as well as its own internal documentation. Attached hereto are copies of every invoice indicating that Allied shipped waste solvent/oil to the Site found from Clayton and Allied records. The breakdown is as follows:

Date	Manifest Number	Location	Amount of Solvent Shipped (gallons)
3/18/81	0362186	Clayton	2,300
10/1/81	0350379	Clayton and Allied	1,780
1981 Subtotal ¹			4.080
4/2/82	0613958	Allied	1,500 (waste oil)
6/24/82	0613962	Allied	850
9/15/82	0613964	Allied	900
12/13/82	0613987	Allied	700
1982 Subtotal		Clayton	3,950
3/9/83	0613968	Clayton and Allied	350
Total			8,380

As is apparent from the attached manifests and the above-referenced charts, there is a discrepancy of 43,764 gallons in 1980 (the Report states that Allied shipped 43,764 gallons and Clayton and Allied records show nothing was shipped) and 31,090 gallons in 1981 (the Report states that Allied shipped 35,170 gallons and Clayton and Allied records show 4,080 gallons were shipped). Allied and Clayton records match for the years 1982 and 1983. As stated above, there is no indication from any applicable records that Allied sent any waste solvent/oil to the Site from 1984 through 1998.

Allied believes that the Report is inaccurate in the amount of waste solvent/oil shipped to the Site from 1980 and 1981. Both Clayton and Allied records support only the conclusion that Allied shipped 8,380 gallons of waste solvent/oil to the Site from 1981 through 1983. Based on such, it is Allied's position that it should not have been included as a PRP at the Site as its amount of waste solvent/oil shipped was well below the 75,000 gallon cut-off.

¹ Clayton's records contain three copies of manifests 0350379 and 0362186.





If you have any information which contradicts the above, please do not hesitate to contact me at 314-516-2606 or Al Henneboehle at 314-516-2601. Otherwise, Allied will not participate in any further PRP negotiations for the soil removal at the Site based on the above information.

Sincerely,

GREENSFELDER, HEMKER & GALE, P.C.

Ву

Christina L. Archer

Enclosures

cc: Al Henneboehle

Eldon Rosentrater

Margaret A. Coughlin

STATE OF ILLINOIS TO BE COMPLETED BY **ENVIRONMENTAL PROTECTION AGENCY** DIVISION OF LAND POLLUTION CONTROL WASTE GENERATOR 2200 CHURCHILL ROAD, SPRINGFIELD, ILLINOIS 62706 SAIPMENT # 001 (217) 782-6760 Authorization Mumber 998960.
01010 Allich Health CARE SPECIAL WASTE HAULING MANIFEST CHEMETRON MEdical Div (Company Name) City MODOOAA3K7 NASTE HAULER(S) Ruck Co HART FOR S.W.H. Registration Number 2025002 MO# T-44/2/ cd ILD 006493191 S.W.H. Registration Number Hauler Address Hauler Name DESTINATION - DISPOSAL STORAGE OR TREATMENT SITE 5 A U G C TO BE COMPLETED BY MASTE NAME: WASTE Solvent WASTE GENERATOR THE SPECIAL WASTE BEING-TRANSPORTED UNDER THIS MANIFEST IS OF THE DOT HAZARD CLASSIFICATION INDICATED IMMEDIATELY BELOW: ...! SHIPPING DESCRIPTION: : HAZARD CLASS: 1 CALLONS WEIGHT FOR LE.P.A. USE MUST BE THE YES QUANTITY OF WASTE DELIVERED: 2 CONVERTED TO CIL. YDS. OR GAL. TANK TRUCK OPEN TRUCK METHOD OF SHIPMENT. (Circle One) DRUMS OTHER (Specify). THIS IS TO CERTIFY THAT THE ABOVE-NAMED SPECIAL WASTE IS PROPERLY CLASSIFIED, DESCRIBED, PACKAGED, MARKED, AND LABELED AND IS IN PROPER CONDITION FOR TRANSPORTATION, IN ACCORDANCE WITH THE APPLICABLE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION. I HEREBY AGREE TO AND CERTIFY THE ABOVE WRITTEN INFORMATION orized Signature) WASTE HAULER I HEREBY CERTIFY THAT THE ABOVE-DESCRIBED SPECIAL WASTE AND QUANTITY HAS BEEN ACCEPTED IN PROPER CONDITION FOR TRANSPORT AND I ACKNOWLEDGE THE DESTINATION AS INDICATED: DATE: 031:281 8/ (Authorized Signature) (2). (Authorized Signature) HAZARDOUS WASTE SUBJECT TO FEE I HEREBY CERTIFY THAT THE ABOVE-DESCRIBED SPECIAL WASTE AND INDICATED QUANTITY HAS BEEN ACCEPTED AT THE SITE SPECIFIED ABOVE:

DATE: 03 18 8

(Authorized Signature)

COMMENTS OR SPECIAL INSTRUCTIONS:

IN ILLINOIS: 217 / 782-3637

24 HOUR EMERGENCY AND SPILL ASSISTANCE NUMBERS

OUTSIDE ILLINOIS: 800 / 424-8802

DISTRIBUTION: PART - 1 GENERATOR

PART - 4 HAULER

PART - 5 IEPA

PART - 6 GENERATOR

SITE COPY - PART 3

TO BE COMPLETED BY WASTE GENERATOR

IN ILLINOIS: 217 / 782-3637

DISTRIBUTION: PART - 1 GENERATOR

STATE OF ILLINOIS

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ENVIRONMENTAL PROTECTION AGENCY DIVISION OF LAND POLLUTION CONTROL 2200 CHURCHILL ROAD, SPRINGFIELD, ILLINOIS &

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24 HOUR EMERGENCY AND SPILL ASSISTANCE NUMBERS

PART - 3 SITE

PART - 2 IEPA

PART - 4 HAULER PART - 5 IEPA PART - 6 GENERATOR

OUTSIDE ILLINOIS: 800 / 424-8802

FACILITY ANNUAL HAZARDOUS WASTE REPORT (cont.)

This report is for the calendar year ending December 31, 1982.

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REV. 14

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PART - 3 SITE

PART - 2 IEPA

PART - 5 IEPA

PART 6 - GENERATOR

24 HOUR EMERGENCY AND SPILL ASSISTANCE NUMBERS

PART - 4 HAULER

OUTSIDE ILLINOIS: 800 / 424-8802 or 202 / 426-267

TO BE COMPLETED BY WASTE GENERATOR	DIVISION OF LA	AL PROTECTION AGENCY IND POLLUTION CONTROL	<u>กัด เ ก ก ก ก</u>
Alfred Health Ci	4 Research CHURCHILL ROA	D, SPRINGFIELD, ILLINOIS 62706	90801
pp.dur.TS	(∠	17) 782-6760 TE HAULING MANIFEST	Authorization Number 2281
· Hemetron			
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ST Louis	200 631	<u> </u>	M a D a a a 6 o 3 4 7 2
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Hauler Name	Hauler Address		32 3
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		SAL STORAGE OR TREATMENT SITE	Mo KR-ON
CLAYTON CHANIGAL	#/ Makil	PRIVE	16375105
			sv site number
SAUGET CON	State	Zip Phone Number	EPA Number
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Alternate (Facility Name)	Address		39 Site Number 4
City	State	Zip Phone Number	EPA Number
TO BE COMPLETED BY		1	2
WASTE GENERATOR WASTE NAME:	Aste So	Veni WASTE PHAS	
ECIAL WASTE BEING TRANSPORTED UNDER THIS	MANIFEST IS OF THE DOT HAZARD C	CLASSIFICATION INDICATED IMMEDIATELY BELOW	(Liquid, Gaseous, Solld)
FHIPPING DESCRIPTION:	HAZARD CLASS:	NA	D-11
- WASTE Solvent	Flammabl	UN or NA Number	EPA HW Number
		_	GALLONS Circle One)
WEIGHT FOR LBS D.O.T. USETONS (circle one)	WEIGHT FOR I.E.P.A. USE MUST CONVERTED TO CU. YDS. OR GAI		2 CU. TUS. 7
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- METHOD OF SHIPMENT (Circle One) (DRU	MS TANK-TRUCK) OPEN TRUCK OTHER (Specify)	
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I HEREBY AGREE TO AND CERTIFY THE ABOVE WRITTEN	V (DATE: 12-13-82
THEREBY AGREE TO AND GENTLE THE ABOVE WHITE	THE UNITAL FILE	(Authorized Signature)	DATE: 2
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THE DESTINATION AS INDIC	:ATED:		
	•		12/13/85
(1) (Authorized Signature)			DATE: 22/13/82
(2)			DATE:
(Authorized Signature)			·
DISPOSAL, STORAGE, OR TREATMENT FACILITY*		HAZARDOUS W	ASTE SUBJECT TO FEE YES NO
I HEREBY CERTIFY THAT THE ABOVE-DESCRIBED WAST	E AND INDICATED QUANTITY HAS BEE	N ACCEPTED AT THE SITE SPECIFIED ABOVE:	
Aavel . Wette	2		DATE: 22 13 8
(vonsuren eilleste)			
COMMENTS OR SPECIAL INSTRUCTIONS:			
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A H LINOID, 247 / 780 2527	*24 HOUR EMERGENC	Y AND SPILL ASSISTANCE NUMBERS*	OUTSIDE II LINDIS SOO / 404 BOOK - 200 / 100
TN ILLINOIS: 217 / 782-3637 DISTRIBUTION: PART - 1 GENERATOR PART - 2 IS		· · · · · · · · · · · · · · · · · · ·	OUTSIDE ILLINOIS: 800 / 424-8802 or 202 / 426-28 3- GENERATOR
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FACILITY ANNUAL HAZ ARDOUS WASTE REPORT

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U.S. ENVIRONMENTAL PROTECTION AGENCY

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OFFICE OF REGIONAL COUNSEL